

TITLE 43. PROFESSIONS AND BUSINESSES
CHAPTER 7. BARBERS

§ 43-7-1. Short title

This chapter shall be known and may be cited as the "Georgia Barber Act."

HISTORY: Ga. L. 1971, p. 870, § 1; Ga. L. 1973, p. 1450, § 1.

§ 43-7-2. Purpose of chapter

This chapter is enacted for the purpose of safeguarding the public health, safety, and welfare by providing for state administrative control, supervision, and regulation of the practice of barbering, teaching of barbering, barbers, barber teachers, barber apprentices, barbershops, and barber schools. Barbering is declared to affect the public interest, and this chapter shall be liberally construed so as to accomplish the foregoing purpose.

HISTORY: Ga. L. 1971, p. 870, § 2; Ga. L. 1973, p. 1450, § 2; Ga. L. 1992, p. 2765, § 1.

§ 43-7-3. Definitions

As used in this chapter, the term:

- (1) "Barber" means any person who practices barbering.
- (2) "Barber apprentice" means any person who practices barbering under the constant and direct supervision of a licensed barber.
- (3) "Barbering" means the occupation of shaving or trimming the beard, cutting or dressing the hair, giving facial or scalp massages, giving facial or scalp treatment with oils or cream or other preparations made for this purpose, either by hand or by means of mechanical appliances, singeing and shampooing the hair, dyeing the hair, or permanently waving or straightening the hair of any living person for compensation.
- (4) "Barber school" means any premises, not operated as part of the public school system of this state, where barbering is taught for a fee or other compensation. Technical institutes whose programs have been approved by the Department of Technical and Adult Education are not "barber schools" within the meaning of this chapter.
- (5) "Barbershop" means the immediate premises upon or within which the practice of barbering is carried on.
- (6) "Barber teacher" means any person who, for a fee or other compensation, teaches barbering to any other person.
- (7) "Board" means the State Board of Barbers.

(8) "License" means a valid and current certificate of registration issued by the division director on behalf of the board which shall give the named person to whom it is issued authority to engage in the activity prescribed thereon.

(9) "Licensee" means any person holding a license.

(10) "Person" means a natural person, not a legal entity.

(11) "Student" means any person enrolled and pursuing a course of study in a licensed barber school.

HISTORY: Ga. L. 1931, p. 157, § 2; Code 1933, § 84-401; Ga. L. 1937, p. 564, § 2; Ga. L. 1963, p. 56, § 1; Ga. L. 1965, p. 603, § 1; Ga. L. 1970, p. 453, § 1; Ga. L. 1971, p. 870, § 3; Ga. L. 1973, p. 1450, § 3; Ga. L. 1980, p. 530, § 1; Ga. L. 1996, p. 1239, § 1; Ga. L. 2000, p. 1706, § 19.

§ 43-7-4. Creation of board; composition; terms of office; conducting business by telephone; removal of members; vacancies

(a) There is created a State Board of Barbers. The board shall consist of six members, each of whom shall be appointed by the Governor, approved by the Secretary of State, and confirmed by the Senate. Five of the members shall be barbers. The sixth member shall be appointed from the public at large and shall have no connection whatsoever with the profession of barbering. All terms shall be for three years. Upon the expiration of the term of office, a member shall continue to serve until a successor is appointed and qualified.

(b) With the exception of hearings in contested cases, the board may conduct business by conference telephone.

(c) The Governor may remove any member of the board for failure to attend meetings, neglect of duty, incompetence, revocation or suspension of his license, or other dishonorable conduct. After such removal or vacancy due to death or resignation, the Governor shall appoint a successor as provided in this Code section to serve the unexpired term.

HISTORY: Ga. L. 1914, p. 75, § 3; Code 1933, § 84-403; Ga. L. 1937, p. 564, § 1; Ga. L. 1956, p. 316, § 1; Ga. L. 1963, p. 56, § 3; Ga. L. 1965, p. 603, § 2; Ga. L. 1971, p. 870, § 4; Ga. L. 1973, p. 1450, § 5; Ga. L. 1977, p. 223, § 2; Ga. L. 1980, p. 59, § 1; Ga. L. 1986, p. 766, § 1.

§ 43-7-5. Qualifications of board members

To be eligible for appointment as a member of the board, a person must:

(1) Be at least 25 years of age;

(2) Be a citizen of the United States and a resident of this state;

(3) Hold a barber or barber teacher license;

(4) Have had at least five years of practical experience in the practice of barbering immediately preceding his appointment;

(5) Not, while serving on the board, be a member of or affiliated with any barber school or any business which sells, rents, or distributes supplies to barbershops or barber schools; and

(6) Not, while serving on the board, be a member of the State Board of Cosmetology.

HISTORY: Ga. L. 1916, p. 75, § 3; Code 1933, § 84-403; Ga. L. 1956, p. 316, § 1; Ga. L. 1963, p. 56, § 3; Ga. L. 1965, p. 603, § 2; Ga. L. 1971, p. 870, § 6; Ga. L. 1973, p. 1450, § 6.

§ 43-7-6. Oath of board members

Appointees to the board shall, immediately after their appointment, take and subscribe to a written oath or affirmation required by law for all public officers.

HISTORY: Ga. L. 1914, p. 75, § 3; Code 1933, § 84-403; Ga. L. 1956, p. 316, § 1; Ga. L. 1963, p. 56, § 3; Ga. L. 1965, p. 603, § 2; Ga. L. 1971, p. 870, § 7; Ga. L. 1973, p. 1450, § 7.

§ 43-7-7. Board meetings; secretary of board; service of process and documents; records

The board shall meet at least six days a year but shall not meet more than 36 days in one year. All meetings shall be open to the public except that the board may hold restricted attendance sessions to prepare, give, and grade examinations and to deliberate in connection with the decision in a contested case. The division director shall be secretary of the board and, in addition to his duties as prescribed by Code Section 43-1-3, shall perform such other administrative duties as may be prescribed by the board. All legal process and all documents required by law to be served upon or filed with the board shall be served upon or filed with the division director at his office in Atlanta. All official records of the board, or affidavits by the division director as to the content of such records, shall be prima-facie evidence of all matters required to be kept therein.

HISTORY: Ga. L. 1963, p. 56, § 3; Ga. L. 1965, p. 603, § 2; Ga. L. 1971, p. 870, § 8; Ga. L. 1973, p. 1450, § 8; Ga. L. 2000, p. 1706, § 19.

§ 43-7-8. Reimbursement of board members

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

HISTORY: Ga. L. 1914, p. 85, § 5; Ga. L. 1931, p. 157, § 4; Code 1933, § 84-405; Ga. L. 1956, p. 316, § 3; Ga. L. 1963, p. 56, § 5; Ga. L. 1971, p. 870, § 9; Ga. L. 1973, p. 1450, § 9; Ga. L. 1980, p. 530, § 1.1.

§ 43-7-9. General powers and duties of board

The board shall:

- (1) Prepare and approve all examinations of applicants for licenses;
- (2) Determine the qualifications of and license barbers, barber teachers, barber apprentices, and persons operating barbershops and barber schools to engage in these respective activities;
- (3) Regulate the practice of barbering, teaching of barbering, barbers, barber teachers, barber apprentices, and persons operating barbershops and barber schools;
- (4) Investigate alleged violations of this chapter and any other law of this state pertaining to barbering and any rules and regulations adopted by the board; and, in order to facilitate this duty, any board member or inspector shall have the power and right to enter into and make reasonable inspection of any barbershop or barber school during regular business hours;
- (5) Conduct hearings in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act"; and, in order to facilitate this duty, the board and the division director shall have the power to subpoena throughout the state witnesses, designated documents, papers, books, accounts, letters, photographs, objects, or other tangible things;
- (6) Reprimand any person, or suspend, revoke, or cancel the license of, or refuse to grant, renew, or restore a license to any person upon any ground specified in this chapter;
- (7) Adopt a seal, the imprint of which, together with the authorized signature of either the division director or any other member authorized by the board, shall be effective to evidence its official acts;
- (8) Maintain in the office of the division director a register of all persons holding a license and maintain a record of all inspections made for a period of two years; and
- (9) Adopt such rules and regulations as shall be reasonably necessary for the enforcement and implementation of the provisions and purposes of this chapter and other laws of this state insofar as they relate to barbering, including, but not limited to, rules and regulations prescribing requirements for sanitation in barbershops and barber schools when these rules have been approved by the Board of Public Health.

HISTORY: Ga. L. 1914, p. 75, §§ 4, 6, 8, 13; Code 1933, §§ 84-404, 84-407, 84-408, 84-411; Ga. L. 1956, p. 316, § 3; Ga. L. 1963, p. 56, § 4; Ga. L. 1965, p. 603, § 3; Ga. L. 1971, p. 870, § 11; Ga. L. 1973, p. 1450, § 11; Ga. L. 1992, p. 2765, § 2; Ga. L. 2000, p. 1706, § 19; Ga. L. 2009, p. 453, § 1-5/HB 228; Ga. L. 2011, p. 705, § 6-4/HB 214.

§ 43-7-10. Required compliance with chapter

No person shall practice or teach barbering, be a student or an apprentice of barbering, or operate a barbershop or barber school unless he holds a proper license and continues to comply with this chapter and all rules and regulations adopted by the board; provided, however, that this chapter shall not apply to professional and trade activities which are properly conducted under authority of other licensing laws of this state.

HISTORY: Ga. L. 1914, p. 85, § 1; Code 1933, § 84-402; Ga. L. 1971, p. 870, § 13; Ga. L. 1973, p. 1450, § 13.

§ 43-7-11. Requirements for license to practice barbering; work permits

(a) A license to practice barbering shall be issued to any person who:

(1) Is at least 16 years of age;

(2) Has completed the seventh grade of school instruction or its equivalent;

(3) Has completed a prescribed course of study of at least 1,500 hours in a licensed or approved barber school or in a program approved by the Department of Technical and Adult Education or has served as an apprentice in a barbershop for 3,000 hours under the supervision of a master barber; and

(4) Satisfactorily passes a written and practical examination prepared or approved by the board.

(b) An approved applicant for examination under this Code section may be issued a work permit authorizing said applicant to practice such occupation until the results of the examination for which the applicant is scheduled are released. If the applicant fails to appear for the examination, the work permit shall be revoked unless the applicant provides just cause to the board why he was unable to appear for the examination.

HISTORY: Ga. L. 1914, p. 85, § 10; Ga. L. 1931, p. 157, § 7; Code 1933, § 84-409; Ga. L. 1956, p. 316, § 4; Ga. L. 1963, p. 56, § 9; Ga. L. 1965, p. 603, § 7; Ga. L. 1966, p. 312, § 1; Ga. L. 1967, p. 474, § 1; Ga. L. 1968, p. 421, § 1; Ga. L. 1971, p. 870, § 14; Ga. L. 1973, p. 1450, § 14; Ga. L. 1980, p. 530, § 4; Ga. L. 1982, p. 1597, § 2; Ga. L. 1986, p. 766, § 2; Ga. L. 1996, p. 1239, § 2.

§ 43-7-11.1. License for barber on military installation; submission of application by September 1, 1985

Notwithstanding any other provisions of this chapter, any person who has actively engaged in the practice of barbering on a military installation in Georgia for three years prior to July 1, 1985, shall be eligible to receive a license to practice barbering upon proper proof of experience, application, and appropriate fee being submitted to the board on or before September 1, 1985.

HISTORY: Code 1981, § 43-7-11.1, enacted by Ga. L. 1985, p. 1419, § 1.

§ 43-7-11.2. Licensing master cosmetologists as barbers

A person licensed as a master cosmetologist under Chapter 10 of this title shall be eligible to take the examination provided for in Code Section 43-7-11 if that person completes a board approved 300 hour prescribed course in a barbering school, submits a complete application, and pays the proper fees established by the board.

HISTORY: Code 1981, § 43-7-11.2, enacted by Ga. L. 1986, p. 766, § 3.

§ 43-7-12. Requirements for license to operate barbershop

A license to operate a barbershop shall be issued, renewed, or restored to any person who can show that such barbershop:

- (1) Provides and maintains such physical and sanitary facilities and equipment as may be required by the rules and regulations of the board;
- (2) Does not train more than one apprentice at any one time, which apprentice shall be under the supervision of a master barber; and
- (3) Does business only at the location shown on the application for licensure.

HISTORY: Ga. L. 1971, p. 870, § 17; Ga. L. 1973, p. 1450, § 17; Ga. L. 1980, p. 530, § 5; Ga. L. 1986, p. 766, § 4; Ga. L. 1988, p. 13, § 43.

43-7-12.1. Authorization to employ cosmetologist, manicurist, esthetician, or shampooer without beauty shop license

A barbershop licensed pursuant to this chapter shall be authorized to employ a cosmetologist, manicurist, esthetician, or shampooer licensed under Chapter 10 of this title without that barbershop being required to be licensed as a beauty shop or salon under Chapter 10 of this title.

HISTORY: Code 1981, § 43-7-12.1, enacted by Ga. L. 1985, p. 1419, § 2.

§ 43-7-13. Requirements for license to teach barbering

A license to teach barbering shall be issued to any person who:

- (1) Is a high school graduate or its equivalent;
- (2) Reserved;

(3) Has completed a teacher's training course as prescribed by the board which requires 750 hours from a board approved school or from a program approved by the Department of Technical and Adult Education; and

(4) Satisfactorily passes a written and practical examination prepared or approved by the board.

HISTORY: Ga. L. 1931, p. 157, § 9; Code 1933, § 84-411; Ga. L. 1956, p. 316, § 6; Ga. L. 1963, p. 56, § 11; Ga. L. 1965, p. 603, § 11; Ga. L. 1971, p. 870, § 15; Ga. L. 1973, p. 1450, § 15; Ga. L. 1985, p. 1419, § 3; Ga. L. 1986, p. 766, § 5; Ga. L. 1996, p. 1239, § 3.

§ 43-7-13.1. Alternate method for obtaining license to teach barbering

A person certified by the Department of Education to teach barbering in the public schools may obtain a license to teach barbering without meeting the requirements of Code Section 43-7-13 if that person:

(1) Holds a current barber license at the master level;

(2) Holds a diploma or certificate indicating completion of 1,500 credit hours from a board approved school;

(3) Has completed the three-year teacher training program required by the Department of Education; and

(4) Has satisfactorily passed an examination prepared or approved by the board.

HISTORY: Code 1981, § 43-7-13.1, enacted by Ga. L. 1985, p. 1419, § 4.

§ 43-7-14. Requirements for license to operate barber school

A license to operate a barber school shall be issued, renewed, or restored to any person who can show that such school:

(1) Provides a course of study as prescribed by the board for basic barbering practice;

(2) Provides a course of study as prescribed by the board for the training of barber teachers;

(3) Possesses the equipment necessary for the teaching of all courses in the curriculum prescribed by the board;

(4) Is at all times under the constant and direct supervision of a licensed barber teacher;

(5) Employs only those barber teachers who are licensed by the board;

(6) Provides at least one barber teacher for each 20 students enrolled;

(7) Keeps a current and accurate record of each student's progress, establishes grades, and holds examinations before issuing diplomas;

(8) Keeps permanently and conspicuously displayed a sign which informs the public that a barber school is being operated on the premises, which sign shall display the words "Service by Students Only";

(9) Requires all teachers while on the school premises to confine their work to instruction and research in the field of barbering. In no event shall a teacher or other person be allowed to practice barbering while on the school premises except for the purpose of demonstration to students;

(10) Allows no student to render barbering services to a patron of the school until he has completed a prescribed minimum number of hours in theory and practical work and in no instance allows its students to collect a fee or other compensation for such services; and

(11) Has at least ten student applications for enrollment in the basic course of barbering, provided that such students shall not have been enrolled in a licensed barber school within nine months immediately preceding application for a license to operate a barber school.

HISTORY: Ga. L. 1931, p. 157, § 9; Code 1933, § 84-411; Ga. L. 1956, p. 316, § 6; Ga. L. 1963, p. 56, § 11; Ga. L. 1965, p. 603, § 11; Ga. L. 1971, p. 870, § 19; Ga. L. 1973, p. 1450, § 19.

§ 43-7-15. Requirements for student license

Reserved. Repealed by Ga. L. 1992, p. 2765, § 3, effective May 4, 1992.

[Repealed]

43-7-16. Requirements for license as apprentice barber; limitation on renewal

(a) A license to practice barbering as an apprentice shall be issued to any person who shall furnish the board:

(1) Evidence that he will practice under the supervision of a licensed barber with at least 18 months' experience in the practice of barbering; and

(2) Evidence that he has completed the fifth grade of school instruction or its equivalent.

(b) A license to practice barbering as an apprentice shall not be renewed more than one time.

HISTORY: Code 1933, § 84-410.1, enacted by Ga. L. 1965, p. 603, § 10; Ga. L. 1970, p. 453, § 1; Ga. L.

1971, p. 870, § 18; Ga. L. 1973, p. 1450, § 18; Ga. L. 1982, p. 1597, § 4; Ga. L. 1985, p. 1419, § 5; Ga. L. 1986, p. 766, § 6.

§ 43-7-17. Reciprocity

The board may issue a license to practice under this chapter by endorsement, without examination, to persons having licenses under similar laws of another state if, in the opinion of the board, the standards and qualifications for licensure in that state are comparable to those in this state for the particular license applied for.

HISTORY: Ga. L. 1931, p. 157, § 7; Code 1933, § 84-409; Ga. L. 1956, p. 316, § 4; Ga. L. 1963, p. 56, § 9; Ga. L. 1965, p. 603, § 7; Ga. L. 1966, p. 312, § 1; Ga. L. 1967, p. 474, § 1; Ga. L. 1971, p. 870, § 21; Ga. L. 1973, p. 1450, § 21; Ga. L. 1982, p. 1597, § 5

§ 43-7-18. Biennial renewal of licenses

All licenses shall expire biennially. All applications for renewal of a license shall be filed with the division director prior to the expiration date, accompanied by the biennial renewal fee prescribed by the board.

HISTORY: Ga. L. 1914, p. 85, § 12; Ga. L. 1931, p. 157, § 10; Code 1933, § 84-412; Ga. L. 1956, p. 316, § 7; Ga. L. 1963, p. 56, § 12; Ga. L. 1971, p. 870, § 23; Ga. L. 1973, p. 1450, § 23; Ga. L. 1980, p. 530, § 6; Ga. L. 1982, p. 1597, § 6; Ga. L. 2000, p. 1706, § 19.

§ 43-7-19. Restoration of expired licenses

A license which has expired for failure to renew may be restored after application and payment of the prescribed restoration fee.

HISTORY: Ga. L. 1971, p. 870, § 24; Ga. L. 1973, p. 1450, § 24; Ga. L. 1982, p. 1597, § 7.

§ 43-7-20. Renewal or restoration of suspended licenses

A suspended license is subject to expiration and must be renewed or restored as provided in this chapter during the term of suspension.

HISTORY: Ga. L. 1971, p. 870, § 25; Ga. L. 1973, p. 1450, § 25.

§ 43-7-21. Display of licenses

Every person holding a license issued by the board shall display it in a conspicuous place in his school, place of business, or employment.

HISTORY: Ga. L. 1914, p. 85, § 12; Code 1933, § 84-412; Ga. L. 1956, p. 316, § 7; Ga. L. 1963, p. 56, § 12; Ga. L. 1971, p. 870, § 27; Ga. L. 1973, p. 1450, § 27.

§ 43-7-22. Temporary licenses

Reserved. Repealed by Ga. L. 1986, p. 766, § 7, effective April 3, 1986.

[Repealed]

§ 43-7-23. Suspension, cancellation, revocation, or refusal of licenses; reprimanding licensees; fines; restoration of licenses

(a) The board, acting upon its own knowledge or upon written and verified complaint filed by any person, shall have the power to reprimand, or to suspend, revoke, or cancel the license of, or to refuse to grant, renew, or restore a license to any licensee upon proof of any one of the following grounds:

(1) The commission of any false, fraudulent, or deceitful act or the use of any forged, false, or fraudulent document in connection with the license requirements of this chapter or the rules and regulations of the board;

(2) Failure at any time to comply with the requirements for a license under this chapter;

(3) The practice of barbering under a false or assumed name;

(4) Habitual intemperance in the use of alcoholic spirits, narcotics, or stimulants to such an extent as to render the licensee unsafe or unfit to practice or teach barbering;

(5) Any physical disease or mental disability which renders the licensee unfit to practice or teach barbering;

(6) Any dishonorable or unethical conduct likely to deceive, defraud, or harm the public;

(7) Knowing performance of any act which in any way assists an unlicensed person to practice or teach barbering; or

(8) Violating, either directly or indirectly, or assisting in or abetting the violation of, any provision of this chapter or any rule or regulation of the board.

(b) The board may impose a fine not to exceed \$500.00 for each violation of any provision of subsection (a) of this Code section. Such fines shall be listed in a schedule contained in the rules and regulations of the board. The licensee shall pay the fine within 30 days after receiving written notification from either the board or a representative of the board unless the licensee requests in writing a hearing before the board. Such request for a hearing must be received by the board within 30 days after receipt of the written notification from the board. Failure to either pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing to determine whether revocation or other disciplinary action should be imposed on the licensee.

(c) The board for good cause shown and under such conditions as it may prescribe may

restore a license to any person whose license has been suspended or revoked.

(d) Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," shall apply to any proceeding under this Code section.

HISTORY: Code 1933, § 84-412.2, enacted by Ga. L. 1965, p. 603, § 12; Ga. L. 1971, p. 870, § 28; Ga. L. 1973, p. 1450, § 28; Ga. L. 1992, p. 2765, § 4.

§ 43-7-24. Unlicensed activities as constituting public nuisance; injunctions

The practice or teaching of barbering and the operation of barber schools and barbershops are declared to be activities affecting the public interest and involving the health, safety, and welfare of the public. Such activities when engaged in by a person who is not licensed are declared to be a public nuisance, harmful to the public health, safety, and welfare. The board or the appropriate prosecuting attorney may bring an action, in the superior court of the county where such unlicensed person resides, to restrain and enjoin such unlicensed practice. It shall not be necessary in order to obtain the equitable relief provided for in this Code section to allege or prove that there is no adequate remedy at law.

HISTORY: Code 1933, § 84-418, enacted by Ga. L. 1965, p. 603, § 17; Ga. L. 1971, p. 870, § 29; Ga. L. 1973, p. 1450, § 29.

§ 43-7-24.1. Exemption from licensing requirement for nursing home facility

Notwithstanding any other provision of this chapter, premises made available for a barbershop within a facility licensed as a nursing home pursuant to Article 1 of Chapter 7 of Title 31 shall not be required to be licensed as a barbershop under this chapter, or otherwise be subject to any provisions of this chapter except for inspections, investigations, or both, for alleged violations of this chapter by any person licensed under this chapter, if barbering services in such premises are rendered only to residents of the nursing home.

HISTORY: Code 1981, § 43-7-24.1, enacted by Ga. L. 1985, p. 1133, § 1.

§ 43-7-25. Continuation of rules and regulations promulgated prior to July 1, 1973

All rules and regulations that were adopted by the Georgia State Board of Barbers as it existed prior to July 1, 1973, shall continue in full force and effect until modified or repealed.

HISTORY: Ga. L. 1971, p. 870, § 12; Ga. L. 1973, p. 1450, § 12.

§ 43-7-26. Penalty

Any person who violates this chapter shall be guilty of a misdemeanor.

HISTORY: Ga. L. 1914, p. 85, § 14; Ga. L. 1931, p. 157, §§ 11, 12; Code 1933, § 84-9904; Ga. L. 1937, p. 564, § 7; Ga. L. 1963, p. 56, § 15; Ga. L. 1971, p. 870, § 30; Ga. L. 1973, p. 1450, § 30.

§ 43-7-27. Termination

Repealed by Ga. L. 1992, p. 3137, § 7, effective July 1, 1992.

[Repealed]

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